

REMARKS

In response to the Office Action mailed 24 May 2006, the Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the above amendments and the following comments. This amendment is made to accompany a Request for Continued Examination under 37 C.F.R. 1.114, which the Applicant hereby requests.

In the Office Action, claims 1-21 were rejected. Claims 1, 2, 9, 13 and 19 have been amended. Upon entry of the amendments, claims 1-21 will be pending in the present patent application. As will be discussed further below, these amendments are made to more particularly point out and specify the claimed subject matter. Because the pending claims contain an element not shown in any of the cited art, the Applicants submit that the claims are in a condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

In the office action of 24 May 2006, the Examiner has rejected all pending claims. In particular, the Examiner has not found persuasive the Applicants' previous arguments regarding the interpretation of the word "discern" given in paragraph 0017 of the Applicants' specification. Therefore, the Examiner has retained all previous rejections of the pending claims under §102 and §103.

In response, the Applicants have amended the pending claims as shown above to explicitly include the limitation upon the meaning of the term "discern" discussed in paragraph 0017. With this amendment, the Applicants renew the arguments of the previous response regarding the patentability of the pending claims. Specifically, that the art cited by the Examiner does not discern a parameter which was previously unknown or unconfirmed from among the monitored operating variables. As the Applicants note in the specification, to discern "requires more than monitoring of a predetermined operating

variable.” (See paragraph 0017 of the Applicants’ specification.) The art cited by the Examiner monitors, but does not discern parameters affecting system performance which were previously unknown or unconfirmed.

The amended language clarifying and more particularly pointing out the claimed subject matter has been incorporated into every independent claim pending in the case. Therefore, these limitations form part of every pending claim. Therefore, the Applicants submit that the current rejections are inapplicable to claims 1-21 as amended herein.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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22 Aug 06

Date